

Roanoke County



Subdivision Ordinance 2002

Subdivision Ordinance
from Chapter 29 of the Roanoke County Code

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ARTICLE I. TITLE AND PURPOSE

29-1 DIVISION 1. IN GENERAL

29-1.1 Title

This ordinance shall be known and cited as the "Subdivision Ordinance of the County of Roanoke, Virginia," or the "Subdivision Ordinance," "this Ordinance," or "this Chapter." The provisions of this ordinance shall apply to all property within the County of Roanoke, Virginia, including any property within the County that may be assessed in an adjoining jurisdiction and excluding any property within the incorporated Town of Vinton, Virginia.

29-1.2 Purpose

The purpose of this ordinance is to establish procedures and regulations for the subdivision of land within the limits of the County, and to accomplish the objectives listed below:

- a)(a) To achieve the orderly development of land through reasonable standards of design and procedures for subdivision and resubdivision of land; and ensure proper legal description.
- b)(b) To protect and provide for the public health, safety and general welfare.
- c)(c) To guide future growth and development in accordance with the policies of the comprehensive plan, applicable zoning regulations and other adopted policy documents of the County.
- d)(d) To coordinate proposed public facilities and streets in new subdivisions with existing public services in a manner that minimizes adverse effects on adjacent or nearby neighborhoods.
- e)(e) To reduce and prevent water pollution and flooding.
- f)(f) To ensure appropriate development with regard to natural resources and open space, which will contribute to the beauty of the community and value of the land

29-1.3 Jurisdiction and applicability of chapter

- a)(a) This chapter shall constitute the comprehensive regulations governing any and all subdivisions of land located within the County occurring on or after the effective date of this ordinance. No land may be subdivided using any legal description other than with reference to a plat approved by the subdivision agent in accordance with this chapter.
- b)(b) No existing subdivision shall be modified except with the agent's approval in accordance with this and other applicable ordinances of the County.
- c)(c) The provisions of this chapter shall not apply to any subdivision for which a currently effective preliminary plat was approved on or before the effective date of this chapter. These subdivision plats shall be reviewed and acted on under the applicable prior subdivision ordinance. Any subdivision for which a preliminary or final plat has received written approval prior to the effective date of this chapter and for which a final plat for the subdivision or a section thereof is recorded within six (6) months of the date of such approval, may be developed in accordance with the subdivision ordinance in effect on the date of such approval.
- d)(d) This ordinance shall govern all residential and nonresidential subdivisions.
- e)(e) Any reference to this ordinance includes all ordinances amending it.

29-1.4 Relationship to zoning ordinance

The zoning ordinance and zoning map shall control the type and intensity of use of all property within the County. Particular reference is made in the zoning ordinance to the minimum lot sizes, setback requirements, road frontage and use restrictions for all zoning districts; the zoning ordinance shall be controlling as to all such matters.

ARTICLE II. ADMINISTRATION

29-2 DIVISION 1. IN GENERAL

29-2.1 Agent

- a)(a) The Director of Community Development is hereby appointed by the Board to be the County's Subdivision Agent to administer and enforce this ordinance. The Board may appoint, or revoke appointments of, such additional individuals, as it may deem appropriate to serve as a subdivision agent. The agent's approval, disapproval, or other action shall be that of the governing body.
- b)(b) The agent shall exercise authority to review, approve and disapprove the concept, preliminary, and final plats for the subdivision of land within the portions of the County as stated in the title of this chapter.
- c)(c) The agent may call for opinions or decisions, either oral or written, from other departments or agencies in considering details of any submitted plat.
- d)(d) The agent may establish any reasonable administrative procedures deemed necessary for the proper administration of this ordinance.

29-2.2 Regulations

- a)(a) No person shall subdivide any tract of land that is located within the jurisdiction of the County except in conformity with the provisions of this ordinance and any other applicable County ordinances.
- b)(b) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this subdivision ordinance and of general law.
- c)(c) No such plat of any subdivision shall be recorded unless or until it shall have been submitted to and approved by the agent.
- d)(d) No person shall sell or transfer any land of a subdivision before a plat has been approved and recorded as provided herein unless such subdivision was lawfully created before the adoption of this ordinance or any predecessor subdivision ordinance. Nothing herein shall be construed as preventing the passage of title to property that has not been legally subdivided.
- e)(e) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided, transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- f)(f) The agent and County attorney, or his designee, may take such other legal action as may be necessary to enforce the provisions of this ordinance, including suit for injunction, for abatement or restraining order or other appropriate proceeding.
- g)(g) The agent, before finally approving any subdivision plat, may personally inspect the proposed subdivision on the ground. Upon approving such final subdivision plat, the agent shall clearly endorse his approval thereon.

State law reference – Va. Code § 15.2-2254

29-2.3 Authority and process to grant a waiver or variation of the subdivision ordinance

- a)(a) In cases of unusual situations or where strict adherence to the general regulations in this ordinance would result in a substantial injustice or hardship to the applicant, the Commission may vary or waive any of the County standards in this ordinance, under the terms, procedures, and conditions established in this section. A variation or waiver may be permitted if, in the opinion of the Commission, exceptional topographic conditions or other extraordinary or unusual conditions necessitate such. No waiver shall be granted which would be illegal, in contravention of any mandatory provisions of state or federal laws or regulations, or prejudicial to the health and safety of County citizens.
- b)(b) If a violation or error that is not in accordance with the approved standards is noted during the plat review process, the applicant will be notified through the normal review procedure. The applicant shall submit any request for a variation or waiver, in writing, within sixty (60) days of the date of such notification. If the applicant requests a waiver or variance, the review process will cease until the waiver process is finalized.
- c)(c) The applicant shall submit to the agent, with the appropriate application fee, a written request for a variation or waiver of a requirement, stating the requested relief and the reasons the request should be granted. The applicant shall examine and submit to the agent alternative methods to attempt to comply with the intent of that requirement. Any supportive drawings, maps, plans, or other information necessary to review the request must be submitted to the agent. The agent will transmit the application with the supporting documentation to the Commission for review which will take action on a waiver request, or an alternative method provided in lieu of strict compliance, at the next regularly scheduled Commission hearing date, or as soon thereafter as all notice and other requirements may be complied with herein.
- d)(d) Notice of the Commission hearing shall be given by publication and by mailing as set forth in Section 15.2-2204 of the Code of Virginia (1950, as amended). The costs for notice shall be the responsibility of the applicant.
- e)(e) The Commission shall preserve and record the application and the basis for granting or denying any request. The Commission may grant the variation or waiver with such additional or alternative conditions as it may deem appropriate.

29-2.4 Appeal of Decision of Commission

- (a) A decision of the Commission on a waiver or variation request may be appealed to the Board of Supervisors by either the applicant or the agent. Written notice of the appeal must be filed with the County Administrator within thirty days of the decision by the Commission.
- (b) Consideration of the appeal shall be placed on the Board agenda for consideration and public hearing as soon thereafter as all notice and other requirements herein may be complied with, but in no event later than sixty (60) days from date the notice of appeal was filed. Notice of the public hearing shall be given by publication and by mailing as set forth in Section 15.2-2204 of the Code of Virginia (1950, as amended). The costs for notice shall be the responsibility of the party appealing the Commission decision.
- (c) The County Administrator shall transmit to the Board the applicant's request, together with all supporting documentation, from the records of the Commission and any additional pertinent information and documentation that may be available for consideration at the hearing.
- (d) The Board shall make and record its decision in accordance with the criteria set forth in §29-2.3 of this chapter. Approval of the applicant's request for a waiver or variation shall be by majority vote of the Board members present at the hearing and the Board may impose such additional or alternative conditions, as it may deem appropriate.

ARTICLE III. DEFINITIONS

29-3 DIVISION 1. DEFINITIONS

For the purposes of this ordinance, the words and phrases listed below in this section shall have the meaning described. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

Agent: A duly authorized representative of the Planning Commission appointed by the Board of Supervisors to serve as its agent to administer and enforce the subdivision ordinance. Also, Subdivision Agent.

Alley: An open way that affords a service (i.e., garbage collection, delivery, mail) means of access to an abutting property, but is not maintained by any local, state or federal government.

Applicant: A person who has submitted a plat and/or plans to the County for the purpose of obtaining approval of a subdivision of property and/or a development.

Building Envelope: That area within which the principal structure may be located on a property in compliance with all minimum setback requirements of the zoning ordinance.

Chapter: The Subdivision Ordinance of the County of Roanoke, Virginia.

Clerk's Office: Clerk's Office of the Circuit Court for the County of Roanoke, Virginia.

Commission: The Planning Commission of the County of Roanoke, Virginia.

County: The County of Roanoke, Virginia.

Conservation Parcel: A parcel that has been dedicated to a land trust, homeowners, condominium, or similar association, government agency or other entity through an easement or other transfer of ownership, and set aside in perpetuity as open space.

Department of Transportation Standards of Virginia: The "Subdivision Street Requirements," Virginia Department of Highways and Transportation (1996); "Road and Bridge Standards," Vols. I and II, Virginia Department of Highways and Transportation (1994); and comparable or later revisions of these works.

Developer: Any person or legal entity proposing to undertake the construction of buildings or other structures, or the development of land upon or within a subdivision or any portion thereof.

Development: A tract of land developed or to be developed as a unit under single ownership or unified control that is to be used for any business or industrial purpose or is to contain five (5) or more residential dwelling units. The term "development" shall not be construed to include any property that will be principally devoted to agricultural production.

Driveway: A private road giving access from a public way to a building on abutting grounds.

Easement: A right expressed in recorded writing, given by the owner of land to another party of specific limited use of that land (i.e., access, pedestrian, greenway, drainage, water, sewer, public utility).

Family, Immediate – Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the owner. This definition shall automatically include any mandatory family member as defined in the Code of Virginia (1950, as amended), and shall not automatically include any elective family members as allowed in the Code of Virginia (1950, as amended).

State law reference – Va. Code § 15.2-2244

Governing body: The Board of Supervisors of the County of Roanoke, Virginia.

Health Official – The term "health official" shall mean the legally designated health authority of the state board of health for the county or his authorized representative. Such definition shall also apply to the term "health director," "director of public health," "health officer" or any other term of similar import.

Official Property Identification Maps: The series of tax appraisal maps utilized by the Office of Real Estate Valuation for tax assessment purposes.

Parcel: A piece of land shown with a separate identification on the official property identification maps. Also, interchangeable with "lot," "tract," "plot," or other words defined as a piece of land.

Person: Any individual, firm, corporation, partnership, joint venture, public or private corporation, association of persons, body politic, trust, estate, or other legal entity, or any agent of any of the foregoing.

Plat: A survey prepared and sealed by a professional engineer or land surveyor licensed by the State of Virginia showing thereon a subdivision of land.

Plat, Concept: A general drawing depicting a subdivision submitted to the agent by the subdivider before an official preliminary submission.

Plat, Final: The plat of a proposed subdivision of land that has been preliminarily approved and signed by the agent as a preliminary plat, subsequently recorded or to be recorded with the Clerk's Office.

Plat, Preliminary: A survey drawing of a proposed subdivision submitted for the purpose of obtaining provisional approval prior to the submittal of a final plat.

Private Street: A vehicular way owned, operated, provided and maintained by an individual, developer, homeowners association or any other entity other than a local, state or federal government.

Public Improvement: Any drainage structure, water and sewer system, storm water management area, or street for which the County or State may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local or state government responsibility is established.

Public Street: A vehicular way owned, operated, provided and maintained by a local, state or federal government. The term "street" shall also include any suffixes used in the County's E-911 maintenance list.

Resubdivision: Any adjustment or vacation of a boundary line or lines within a subdivision in accordance with the terms of this chapter.

Right-of-way: A legally established area or strip of land on which an irrevocable public right of passage has been or is to be recorded, and which may be occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Site Plan: A schematic drawing of a proposed development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such information as may be required by the County's Land Development Procedures or this Ordinance. Also, Plan.

Street: An area of travel used for the purpose of access and conveying vehicular traffic. It may also serve in part as a way for pedestrian or bicycle traffic. Also known as highway, avenue, boulevard, road, lane, alley, or any public way.

Subdivider: Any person, including an owner or developer, or his assignee or successor in interest, commencing, or required by law to commence, proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

Subdivision: The division of a parcel of land into two (2) or more parcels of any size by the establishment of new boundary lines or by the adjustment, relocation, or vacation of existing boundary lines, for the purpose, whether immediate or future, of transfer of ownership or building development. A subdivision includes all changes in street or lot lines, and any portion of any such subdivision previously recorded in which building development or street creation occurs, or is required, subsequent to such recordation. The transfer of ownership of land to the Commonwealth of Virginia or a political subdivision thereof and the division of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

Subdivision Agent: A duly authorized representative of the Planning Commission appointed by the Board of Supervisors to serve as its agent to administer and enforce the subdivision ordinance. Also, "agent."

Subdivision, Major: A subdivision of five (5) or more lots.

Subdivision, Minor: A subdivision of four (4) or fewer lots.

Survey, ALTA/ACSM (American Land Title Association/American Congress on Surveying & Mapping): A plat generally prepared for lending institutions showing an as-built survey and includes an easement guarantee and title report. This type of plat does not require the approval of the agent.

Survey, Boundary: A plat delineating the form, extent and position of a parcel of land. This type of plat does not require the approval of the agent.

Vacation of Recorded Plat: The nullification of a previously recorded plat, or portion thereof, before or after the sale of any lot created therein.

VDOT: The Virginia Department of Transportation

Waiver: An exemption from or variation of the terms of this subdivision ordinance.

ARTICLE IV. PLAT SUBMISSIONS

29-4 DIVISION 1. IN GENERAL

29-4.1 Submission of subdivision plat to agent

- (a) Whenever a subdivision is proposed to be made and before any conveyance of the subdivision as a whole or any part thereof is made, the owner or proprietor of a proposed subdivision, or his duly authorized representative, shall file a plat of the proposed subdivision with the agent for approval. The plat and all procedures relating thereto shall in all respects be in full compliance with the provisions of this chapter and all applicable laws and ordinances affecting or regulating the subdivision of land, the use thereof, and the erection of buildings or structures thereon.
- (b) All subdivision plats require the review and approval of the agent with the exception of those that show boundary or ALTA/ACSM surveys or those that show parcels meeting certain criteria such as utility and conservation lots. The agent must approve any exemption. The following note shall be placed on these plats: "This plat does not constitute a subdivision under the current Roanoke County Subdivision and/or Zoning Ordinances."
- (c) When the land proposed to be subdivided lies partly within the County and partly within an adjoining locality, the subdivision plat shall be submitted, reviewed and approved by the planning commission or other designated agent of each locality wherein the land is located.
- (d) Any change in a recorded subdivision plat that modifies, creates, or adjusts boundary lines in any manner and under the requirements provided herein constitutes a subdivision. This section applies to any subdivision plat of record, whether or not recorded before the adoption of a subdivision ordinance. Where a street, alley, easement for public passage, or other public area or easement laid out or described in such plat is affected, the plat, or pertinent part thereof, shall be vacated before resubdivision.

29-4.2 Minor subdivision

An applicant for a subdivision creating four or fewer lots shall submit a preliminary plat to the agent for review. After the approval of the preliminary plat, the applicant shall submit a final plat to the agent for review and approval.

29-4.3 Major subdivision

An applicant for a subdivision creating five or more lots shall submit a preliminary plat and a site plan that shows the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject. After the approval of the preliminary plat and plan, the applicant shall submit a final plat and plan to the agent for review and approval.

29-4.4 Family Exempt Subdivision

An applicant for a subdivision to create a parcel for the purpose of sale or gift to a member of the immediate family shall submit a preliminary plat to the agent for review. Specific requirements are set out in this ordinance and must be followed to obtain final plat approval.

The subdivider must subdivide his real estate for purposes consistent with the objective of enhancing the values society places upon the disposition of family estates between living persons free of government regulation, such as keeping the family estate within the immediate family, and passing real property interests from one living family member to another, rather than for the purpose of short-term investment. The subdivider/grantor and the grantee must complete affidavits swearing and affirming that the proposed family subdivision is not for the purpose of circumventing the requirements of this ordinance and must have a proposed deed prepared and presented to the agent before final plat approval can be obtained.

29-4.5 Series of minor subdivision plats

The agent may determine that a series of minor subdivision plats submitted during a two-year period constitutes a major subdivision if the series of plats relates to the same parcel or parcels. Should the series of plats require any physical improvements including, but not limited to, storm water management, public road improvements, or the extension of public water and/or sewer, the agent may determine that the series of plats in fact constitutes a major subdivision. If so, he shall require the subdivider to follow the process for the review of major subdivision plats.

29-4.6 Changing subdivision plats after approval

No change, erasure or revision shall be made on any preliminary or final plat of a subdivision, after approval by the agent, unless the agent has granted authorization for such change. In no case shall the agent approve a revision of a previously approved plat unless it is clearly marked as a revised plat and includes the date of and reason for the revision.

29-5 DIVISION 2. CONCEPT AND PRELIMINARY PLATS

29-5.1 Process of review – Concept plat review

The applicant may schedule a conference with the agent to review a concept sketch for a proposed subdivision, in order to determine whether the sketch generally meets the requirements of the Zoning and Subdivision Ordinances, and to identify any concerns or issues raised by the proposed subdivision. The agent's comments on the sketch shall be informal, and shall not constitute a formal preliminary approval or disapproval of the subdivision plat.

29-5.2 Concept sketch standards

The concept sketch shall conform to the following guidelines:

- a)(a) Include the name, location, dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided;
- b)(b) Show the approximate location of natural features, such as slopes with approximate gradients, watercourses;
- c)(c) Include approximate dimensions of existing and proposed property lines;
- d)(d) Show existing utilities and easements.

29-5.3 Process of Review – Preliminary/Final Plat Review

- (a) A preliminary plat accepted for review and accompanied by the subdivision review fee shall be deemed officially submitted to the County. Plats may be submitted digitally in accordance with County regulations.
- (b) The agent is authorized to review the preliminary plat for conformity with County and State ordinances. The agent shall complete action on a preliminary plat within sixty (60) days of submission. In the event that approval of a feature or features of a preliminary plat by a state agency is necessary, the agent shall forward the preliminary plat to the appropriate state agency or agencies for review. Requirements for review, including time limitations, shall be in accordance with the provisions of Section 15.2-2260 of the Code of Virginia (1950, as amended).
- b)
- c)(c) The agent shall address any items required for final plat approval in writing to the applicant.
- d)(d) These items must be addressed within six (6) months of the written notification or the preliminary plat shall be deemed null and void. Should this occur, a resubmission of the plat will be necessary and payment of new review fees may be required.
- e)(e) Once the items have been addressed, the applicant shall submit a mylar, vellum, or black line paper copy of the final plat with original signatures of the owners and land surveyor for the agent's approval signature.
- f)(f) The statement of consent to subdivision is set forth in the following statement which must be shown on the plat: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed and duly acknowledged before an officer authorized to take acknowledgement of deeds.
State law reference – Va. Code § 15.2-2264
- g)(g) Every final subdivision plat which is intended for recording shall be prepared by a licensed professional engineer or land surveyor, who shall endorse upon each plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon the plat.
State law reference – Va. Code § 15.2-2262
- h)(h) Once the agent reviews the final plat and finds it to be in conformity with the State and County ordinances, it must be signed within sixty (60) days after it has been officially submitted or resubmitted for approval.
- i)(i) The final plat must be recorded in the Clerk's Office within six (6) months of the agent's approval signature. If the final plat is not recorded within six (6) months, the agent's approval shall be deemed withdrawn and the final plat shall be null and void.
- j)(j) After recordation, three (3) paper copies of the recorded minor subdivision plat must be returned to the agent; one Mylar or black line copy of a recorded major subdivision plat must be returned to the agent.

29-5.4 Size, information, and requirements for a preliminary/final plat

- a)(a) Each parcel, with the exception of utility, conservation, and parcel created to serve as a private road must have an appropriate building envelope.
- b)(b) Where public utilities are unavailable, each parcel shall pass a soil evaluation test for the installation of an onsite septic system and drainfield, and have a suitable location for a well contained on the lot it serves. The specific regulations governing septic systems and wells can be found in the Commonwealth of Virginia State Board of Health Sewage Handling and Disposal Regulations and Private Well Regulations, as amended. Parcels may be exempted from the soil evaluation and well requirements in special circumstances such as in the creation of utility, conservation, and parcels created as private roads.
- c)(c) All preliminary plats submitted for final approval shall be eighteen (18) by twenty-four (24) inches and drawn to a scale no smaller than 1"=100' unless otherwise approved by the agent.
- d)(d) There shall be a reasonable fee charged for the review of a preliminary plat. Such fee schedule shall be established by resolution of the Board and a copy shall be maintained in the agent's office. The plat review fee shall be paid prior to final plat approval.
- e)(e) Plat standards shall generally conform to The Library of Virginia Standards and Guidelines for Microfilm, Plats, Instruments, and Circuit Court Records.
- f)(f) All distances and areas shown on a plat shall refer to measurement in a horizontal plane.
- (g) Both the preliminary and final plats shall demonstrate compliance with the requirements of the County of Roanoke Zoning Ordinance and this chapter. They shall contain the elements as shown in Table 1 below, unless otherwise directed by the agent.

Table 1
Subdivision name.
Name of the subdivider.
Name of the surveyor or engineer.
Surveyor's professional seal signed with a permanent marker.
All owners, trustees, and beneficiaries must sign the plat with a permanent marker; signatures must be acknowledged by a notary public.
If the plat is drawn from record or from a current field survey.
Original tax map numbers and tax map numbers assigned to new lots.
All monuments and iron pins.
Deed references.
Date of the plat.
Magisterial district.
A legend.
The scale.
Boundary coordinates.
Bearings and distances of all boundaries.
Labeled lots.
Acreage or area of all new tracts, including common open space, park, or public lands, and the remaining tract.
All adjacent property owners, deed book and page references, lots, blocks, section numbers and the County's tax map numbers.
Identification of graves, objects, or structures marking a place of human burial.
A vicinity map with a north arrow.
A north arrow that references either true or magnetic meridian.
All existing building structures showing setbacks to nearest property line.
Show and name all natural watercourses.
Note the following on the plat: "This property is/is not located in a special flood hazard area designated as Zone 'X.' This determination is based on the current FEMA flood insurance rate maps and has/has not been verified by actual field elevations."

Show FEMA Map Number or Community Panel Number and FEMA flood hazard zone.
Topography map on a suitable scale and contour intervals when required by the agent.
Show a signature and date blank for the agent, Roanoke County Planning Commission.
Where applicable, the surveyor must determine whether the natural watercourse(s) adjacent to or on this site drains an upstream area of greater than 100 acres. If so, the surveyor must show the elevation of the 100-year floodplain on each lot and add the following note to the plat: "The watercourse crossing this property drains an upstream area of greater than 100 acres. A detailed flood study must be made and an elevation certificate may be required before any building permits can be issued on this property."
Show the statement of consent to subdivisions from the State Code of Virginia, 1950 (as amended), and the County of Roanoke Subdivision Ordinance reference.
Note the following on the plat: "Approval hereof by the Roanoke County Subdivision Agent is for the purposes of ensuring compliance with the Roanoke County Subdivision Ordinance. Private matters, such as compliance with restrictive covenants or other title requirements, applicable to the properties shown hereon, are not reviewed or approved with regard to this subdivision or resubdivision."
The general locations of existing drain fields and reserve areas (if applicable), but not proposed drain fields.
A note stating the type of septic system being used (i.e., conventional, nonconventional).
A note stating "All lots shown on this subdivision plat have been evaluated by the personnel of the Virginia Department of Health and/or an authorized onsite soil evaluator and have met the criteria as set forth in the Commonwealth of Virginia Sewage Handling and Disposal Regulations entitled 32.1 Code of Virginia, as amended to date, and each lot or parcel is eligible for a septic permit."
Any non-public means of water service.
Any existing or proposed public utility or other easements and a dedication statement.
Any existing or proposed private utility or other easements and a statement describing which easements serve which lots. If any water meters and/or sewer lateral connections were set at old property lines, then private easements may be required to provide service to the newly configured lots.
Other important features such as railroad rights-of-way, lakes, greenways, etc.
Access easements from the public right-of-way to the created tract(s).
All parcels of land designated, or reasonably expected to be required, for future street widening shall be dedicated.
A dedication statement for street rights-of-way that will be accepted by the VDOT.
For private access easements, show the following note on each sheet of the plat: "The road serving this lot is private and its maintenance, including snow removal, is not a public responsibility. It shall not be eligible for acceptance into the state secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision streets current at the time of such request. Any costs required to cause this street to become eligible for addition into the state system shall be provided with funds other than those administered by the Virginia Department of Transportation."
The names and VDOT route numbers for all existing, platted, and proposed streets.
Width of existing, platted, and proposed streets indicating a prescriptive easement if one exists.
If applicable, a note stating that "Tax map number ____ is to be added and combined with tax map number ____ and is not to be used as a separate building lot."
Plats showing Boundary and ALTA/ACSM plats may show the following note on the plat and will not require the signature of the agent: "This survey does not constitute a subdivision under the current Roanoke County Subdivision and/or Zoning Ordinance."

If a proposed subdivision is using the **Family Exemption** provision, in addition to the above requirements, the requirements shown in Table 2 must also be included.

Table 2
A note stating "Approval of this subdivision is subject to the condition that the parcel subdivided can only be conveyed to a member of the immediate family as set forth in Roanoke County's Subdivision Ordinance, as amended, and the Code of Virginia, as amended. Conveyance to any other person or entity voids approval. This restriction does not apply to subsequent reconveyance."
Affidavits that are available in the Development Review office stating that the family subdivision is for the passing of real property interests from one family member to another, rather than for the purpose of short-term investment.
A copy of the proposed deed(s) from one family member to the other.
A description of the family relationship in the consent statement or the following shown and notarized on the plat: "I, _____, do hereby certify that _____ is my legal _____. New tract ____ is being conveyed to _____."

29-5.5 Term of validity of preliminary plat

The subdivider shall have six (6) months from the date of approval of the preliminary plat within which to file a final plat meeting all of the submittal requirements established by this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plat approval null and void and will require a new submittal and approval.

29-5.6 Appeal of failure to act on preliminary plat

If the agent fails to approve or disapprove the preliminary plat within ninety (90) days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the agent, may petition the circuit court to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

State law reference – Va. Code § 15.2-2260

29-5.7 Appeal of disapproval of preliminary plat

If the agent disapproves a preliminary plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court of the County, which court shall hear and determine the case as soon as may be. The appeal must be filed with the circuit court within sixty (60) days of the written disapproval by the agent.

State law reference – Va. Code § 15.2-2260

29-6 DIVISION 3. FINAL PLATS

29-6.1 Deadline for filing final subdivision plat for major subdivisions

The subdivider shall file with the agent the final plat meeting the standards of this ordinance for all, or for one or more sections of, the subdivision within six (6) months of the agent's approval of the preliminary plat. For good cause, and with satisfactory progress in the subdivision process being demonstrated to the agent, the agent may grant one extension of this period for up to six (6) months.

29-6.2 Final plat documents submitted prior to approval

- a)(a) The final subdivision plat, including the final plat for each phase of a multi-phase development, shall demonstrate compliance with this chapter, the Zoning Ordinance and other applicable County ordinances.
- b)(b) The agent shall not approve a final plat until any necessary deed of dedication has been submitted and approved by the County attorney. A deed of dedication is required to convey title to any property, including parkland and pump station sites, to the County. Where appropriate, the agent shall not approve a final plat until any required deeds of easement to the County are submitted and approved by the County attorney. A deed of easement is not required to convey streets, any easement for public utilities, or any easement for the transmission of stormwater, domestic water or sewage, shown and dedicated, or to be dedicated by the final plat within the boundaries of the subdivision.
- c)(c) The agent shall not approve a final plat until any necessary subdivision or other performance agreements have been executed and submitted, together with an approved form of guaranty, promising to construct all required improvements in a timely manner and in accordance with County specifications, and have been approved by the County attorney. The Roanoke County Bonding Policy and Section 15.2-2245 of the Code of Virginia (1950, as amended) are hereby incorporated by reference for the County requirements pertaining to the guarantee of completion of all public improvements, provisions for the periodic partial and final releases of performance guarantees, and procedures for enforcement and collection.
- d)(d) The agent shall receive any payment due for the fabrication and installation of street name and traffic regulatory signs prior to the approval of the final plat.

29-6.3 Disapproval of final plat.

In case of disapproval of a final plat, the agent shall notify the subdivider in writing, either by a separate document or on the plat itself, stating the specific reasons for disapproval, including identification of deficiencies in the plat by reference to specific duly adopted ordinances, regulations, or policies. The agent shall provide in general terms such modifications or corrections as will permit approval of the plat, if any.

State law reference – Va. Code § 15.2-2259

29-6.4 Effect of approval on final plat

- a)(a) Only a final subdivision plat approved by the agent may be recorded in the Clerk's Office. Boundary and ALTA/ACSM plats do not require the approval of the agent. Upon review, the agent may exempt other plats, as appropriate.
- b)(b) An approved final plat must be recorded in the Clerk's Office within six (6) months of the date of approval. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit, with surety approved by the agent or with surety furnished pursuant to the Roanoke County Bonding Policy, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement, whichever is greater.
- State law reference – Va. Code § 15.2-2241(8)**
- c)(c) In any case where a deed of dedication accompanies the final plat, both the final plat and the deed of dedication shall be recorded contemporaneously.
- d)(d) The subdivider shall record any required deeds of easement to a homeowner's association contemporaneously with the final plat.
- e)(e) No permit or other approval authorizing the erection of any building or structure to be located in any subdivision, a plat of which is required pursuant to the provisions of this ordinance, shall be issued by the building commissioner until such plat has been admitted to record as provided for in this ordinance.
- f)(f) If the subdivider fails to timely record the final plat, then the approval shall be null and void and the subdivider shall return the plat to the agent so that it may be so marked.

State law reference – Va. Code § 15.2-2241(8)

29-6.5 Recordation in phases

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, or for such longer period as the agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

State law reference – Va. Code § 15.2-2241

29-6.6 Effect of recordation of approved plat

- a)(a) The recordation of an approved plat shall operate to transfer, in fee simple, to the County the portion of the premises set apart for streets or other public use, and to transfer to the County any easement indicated on the plat to create a public right of passage over the land. The recordation of such plat shall operate to transfer to the County such easement shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the County may require.
- b)(b) When the agent approves, in accordance with this ordinance, a plat or replat of land, then upon the recording of the plat or replat in the Clerk's Office, all rights-of-way, easements or other interest of the County in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished. However, an interest acquired by the County by condemnation, by purchase for valuable consideration and evidenced by a separate instrument of record, and streets and/or easements for public passage shall not be affected thereby, subject to the provisions in Sections 29-17.1 and 29-17.2 of this ordinance and Sections 15.2-2271 and 15.2-2272 for the vacation of plats.

State law reference – Va. Code § 15.2-2265

29-6.7 Appeal of failure to act on final plat

If the agent fails to approve or disapprove a final plat within sixty (60) days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the agent, may petition the circuit court to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

State law reference – Va. Code § 15.2-2259

29-6.8 Appeal of disapproval of final plat

If the agent disapproves a final plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court within sixty (60) days of the written disapproval. The court shall hear and determine the case as soon as may be.

State law reference – Va. Code § 15.2-2259

29-7 – 29-9 Reserved

ARTICLE V. STANDARDS

29-10 DIVISION 1. GENERAL REQUIREMENTS

- a)(a) In addition to the requirements established by this ordinance, all subdivision plats shall comply with all applicable chapters of the County Code, County Zoning Ordinance, County Land Development Procedures, County Water and Sewer Regulations, County Stormwater Management Ordinance, Commonwealth of Virginia State Board of Health Regulations, VDOT standards, and any other applicable federal, state, or local requirements.
- b)(b) Monuments shall be set by the subdivision owner or proprietor or his agent as required by the agent and shown on the final plat.

29-11 DIVISION 2. STREET REQUIREMENTS

Unless otherwise noted, any reference to "street" in this chapter shall refer to a publicly maintained street.

- a)(a) Right-of-way widths shall be as required by the Virginia Department of Transportation. The setback or building line shall conform to the requirements of the zoning regulations of the County for the district in which the subdivision is located.
- b)(b) All newly created dead-end public streets shall terminate in a circular right-of-way with a minimum radius not less than fifty (50) feet.
- c)(c) As far as practicable, all proposed streets shall be continuous and made to connect with existing streets without offset.
- d)(d) No new lot shall embrace any portion of a public street.
- e)(e)..... In general, side lot lines shall be at right angles or radial to street lines.
- f)(f) Reserved strips restricting access to streets, public ways and easements shall not be permitted.
- g)(g) Where practicable, the center lines of all intersecting streets shall meet in a common point and shall intersect one another as near to a right angle as it is practicable in each case.
- h)(h) Whenever a proposed subdivision abuts a road that is included in the state system of primary highways as designated by VDOT, an access road extending for the full length of the subdivision along such highway and providing limited access thereto may be provided at a distance suitable for the appropriate use of the land between such access road and highway.

- h)
- i)(i) Street names shall be shown on the preliminary and final plats and shall be approved by the agent. Proposed streets that are in alignment with existing streets shall bear the name of the existing street. In no case shall the name of the proposed streets duplicate or be similar, literally or phonetically, to existing street names, regardless of the use of the terms street, avenue, boulevard, driveway, place, lane, court, or other suffixes approved by the County for E-911. Any street that is a prolongation or approximately a prolongation of an existing street shall be given the same name. Names of existing streets shall not be changed except by the approval of the County.
- j)(j) Except as provided in subsection (i) of this section, no street shall be designated by the same name as that heretofore borne by any other street in the region as determined by the agent, irrespective of the use of any suffix.
- k)(k) The subdivider shall make a provision for the dedication to the County of Roanoke of proposed street extensions transferring the fee simple title to land for public streets. These proposed streets shall conform to the duly adopted standards relating to the street design and construction, established in the VDOT of Transportation Subdivision Street Requirements and the County's Public Street and Parking Design Standards and Specifications Manual.
- l)(l) Street name and traffic regulatory signs of a design approved by the County and VDOT, as required, shall be installed at the owner's expense at all street intersections if deemed necessary by these entities.
- m)(m) Private road subdivisions shall only be permitted in accordance with the zoning ordinance in zoning districts that permit such subdivisions.

29-12 DIVISION 3. STORMWATER MANAGEMENT REQUIREMENTS

- a)(a) Streets, pedestrian paths, and greenways shall be designed to minimize their potential for increasing and aggravating the flood level.
- b)(b) A drainage system shall be provided for by means of culverts under roadways, outlet drains, necessary head walls, easement for drainage through adjacent properties and other structures that are necessary to provide adequate drainage of both natural and storm water for all streets and adjoining properties.
- c)(c) Land in the floodplain overlay district of the zoning ordinance and land deemed to be topographically unsuitable because of flooding shall not be platted for residential occupancy or for such other uses that may increase danger to health, life or property, or cause erosion or flood hazards. Such land within the subdivision shall be identified on the plat as flood hazard areas.
- d)(d) All developments shall comply with the County Stormwater Management Ordinance.

29-13 – 29-15 Reserved

ARTICLE VI. REPLATS AND VACATIONS

29-16 DIVISION 1. REPLATS

29-16.1 Relocation or vacation of boundary lines

- a)(a) Any subdivision plat recordation or part thereof, having been recorded, may be vacated in accordance with the provisions of the Code of Virginia (1950, as amended).
- b)(b) The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved by the agent and executed by the owner or owners of such land with their free will and consent. This shall not apply to the

relocation or alteration of streets, alleys, easements for public passage, public or other easements or utility rights-of-way without the express consent of all persons holding any interest therein.

29-17 DIVISION 2. VACATIONS

29-17.1 Vacation of plat before sale of lot therein by the owners; ordinance of vacation.

Where no lot has been sold or transferred, a recorded plat, or part thereof, may be vacated in accordance with the provisions of Section 15.2-2271 of the Code of Virginia (1950, as amended).

State law reference – Va. Code § 15.2-2271

29-17.2 Vacation of plat after sale of lot; ordinance of vacation.

In cases where any lot has been sold or transferred, a recorded plat, or part thereof, may be vacated in accordance with the provisions of Section 15.2-2272 of the Code of Virginia (1950, as amended).

State law reference – Va. Code § 15.2-2272

29-17.3 Effect of vacation of plat after lot has been sold

a)(a) The recordation of the instrument or ordinance as provided in Section 15.2-2272 of the Code of Virginia, shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

b)(b) If any street, alley, or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement of consent to the subdivision, on the final recorded subdivision plat, free and clear of any rights of public use in the same. A plat must be prepared and reviewed at the owner's expense and recorded in the Clerk's Office combining the vacated portion with the subject property.

State law reference – Va. Code § 15.2-2274

29-18 – 29-20 Reserved

ARTICLE VII. ORDINANCE ADOPTION AND AMENDMENTS

29-21 DIVISION 1. ADOPTION

In order to effectuate the provisions of this chapter, the Board may adopt by resolution regulations and policies that shall have the force of law. These regulations shall include, among other things, standards for the implementation of the various sections of this chapter and may include other policies, criteria, standards and regulations to implement the provisions of the Subdivision Ordinance and Zoning Ordinance.

29-22 DIVISION 2. AMENDMENTS

Nothing contained herein shall prevent the Board from considering and adopting amendments to this ordinance at any time it is deemed appropriate.

29-23 – 29-25 Reserved